

**Chapter 13. Standards Applicable to Transporters of Hazardous Waste****Article 1. General****§66263.10. Applicability.**

(a) These regulations establish standards which apply to persons transporting hazardous waste within, into, out of or through the State if the transportation requires a manifest under section 25160 of the Health and Safety Code.

(b) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(c) A transporter of hazardous waste shall also comply with standards applicable to generators of hazardous waste under chapter 12 of this division if the transporter:

(1) transports hazardous waste to a designated facility within the State from outside the United States; or

(2) mixes hazardous wastes of different Federal Department of Transportation (DOT) shipping descriptions by placing them into a single container.

(d) A transporter of hazardous waste subject to the Federal manifesting requirements of 40 CFR Part 262, or subject to the universal waste management standards of 40 CFR Part 273, that is being imported from or exported to any of the countries listed in 40 CFR section 262.58(a)(1) or section 66262.58(a)(1) for purposes of recovery is subject to 40 CFR Part 262, Subpart H or this article and to all other relevant requirements of 40 CFR Part 262, Subpart H or this article, including, but not limited to, 40 CFR section 262.84 or section 66262.84 for tracking documents.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5 and 25160, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code, 40 CFR Section 263.10.

**HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

2. Change without regulatory effect adding new subsection (d) filed 8-20-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 34).

**§66263.11. Application for Registration As a Hazardous Waste Transporter.**

(a) A person desiring registration as a hazardous waste transporter shall apply to the Department by submitting each of the following:

(1) a completed and signed Hazardous Waste Hauler Application form (Form DTSC 187, Rev. 2/92), provided by the Department, which contains a statement certifying that the applicant understands and will comply with the applicable requirements of this chapter;

(2) proof of ability to provide adequate response in damages resulting from the operation of the person's business. For the purpose of this section, adequate response means protection against liability for the payment of damages equivalent to protection required by section 34630, et seq., of the California Vehicle Code. Both of the following are required:

(A) a copy of the insurance policy, if insured, for the required coverage shall be maintained at the transporter's principal place of business within California; and

(B) a Certificate of Insurance, a bond of a California licensed surety company, or evidence of qualification as a self-insurer, shall be provided to the Department which indicates that the minimum coverage has been obtained;

(b) If previously registered, the applicant shall submit an application to the Department at least 45 days prior to the expiration date of the current registration.

(c) The Department shall review applications under section 66263.11 for completeness and shall inform the applicant in writing either that the application is complete and accepted for filing, or that the application is deficient and what specific information, documentation or fees, if any, shall be required to complete the application. The Department shall inform the applicant within fourteen calendar days of receipt of an application for hazardous waste transporter registration. Registration shall be denied unless a complete application is submitted.

(d) The Department shall notify the applicant, in writing, of the Department's decision regarding the completeness of an application. The notification shall be within fourteen calendar days after the date on which the Department determines the application to be complete and accepted for filing pursuant to subsection (c) of this section for hazardous waste transporter registration applications.

NOTE: Authority cited: Sections 208, 25150, 25168.1, 25186 and 58012, Health and Safety Code; Section 15376, Government Code. Reference: Section 15376, Government Code; Sections 25112.5, 25115.5, 25159, 25163, 25165, 25165.1, 25166, 25166.5, 25167, 25168, 25169 and 58012, Health and Safety Code; Section 2560, Vehicle Code; and 49 CFR section 396.17.

**HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

2. Change without regulatory effect amending subsections (a)(1) and (a)(2) filed 6-1-93 pursuant to section 100, title 1, California Code of Regulations (Register 93, No. 23).

3. Change without regulatory effect repealing subsections (a)(2) and (a)(4)-(a)(6), renumbering subsections, amending newly designated subsection (a)(2) and amending NOTE file 9-29-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 40).

**§66263.12. Term of Registration.**

Registration as a Hazardous Waste Transporter shall expire one year from the date of issuance.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code. Reference: Sections 25159, 25163, 25165, 25166 and 25167, Health and Safety Code.

**HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

**§66263.13. Inspection of Transporter.**

(a) Any person who transports or proposes to transport hazardous waste on a highway shall do all of the following in order to ensure compliance with this chapter:

(1) allow the Department of California Highway Patrol to randomly inspect the person's trucks, trailers, semitrailers, vacuum tanks, cargo tanks and containers;

(2) make vehicles and containers available for inspection at a safe work location when a random inspection is conducted onsite by the Department of California Highway Patrol;

(3) allow the Department to inspect manifests, reports, permits, licenses, billing records and other documents related to the handling or transporting of hazardous wastes;

(4) make available to the Department and the Department of California Highway Patrol, when requested, all records of inspection required by section 1163(e), Title 13, California Code of Regulations.

(b) Hazardous waste transporters, their trucks, trailers, semitrailers, vacuum tanks, cargo tanks and containers shall at all times comply with the Vehicle Code; with regulations adopted by the Department of California Highway Patrol, Subchapter 2, commencing with section 620, Subchapter 4, commencing with section 930, Subchapter 6, commencing with section 1150, and Subchapter 6.5, commencing with section 1200, chapter 2, Title 13, California Code of Regulations; and with this chapter. Notwithstanding the provisions of section 1200, chapter 2, Title 13, California Code of Regulations, all vehicles used for transporting hazardous waste on a highway shall be subject to the provisions of Subchapter 6.5, commencing with section 1200, chapter 2, Title 13, California Code of Regulations.

(c) The Department of California Highway Patrol or the Department may require testing, under prescribed conditions, of trucks, trailers, semitrailers, vacuum tanks, cargo tanks or containers used to transport hazardous wastes, in order to ensure compliance with this chapter.

(d) When so requested by the Department of California Highway Patrol or the Department, a hazardous waste transporter shall, within a reasonable period of time, perform any or all of the following actions:

(1) remove hazardous wastes or materials from the tank's containers, pipes, hoses or other appurtenances of a truck, trailer, semitrailer, vacuum tank, cargo tank or container in order to make it safe to inspect;

(2) remove covers and take other steps necessary to allow inspection;

(3) present the manifest for the waste last held in each truck, trailer, semitrailer, vacuum tank, cargo tank or container to be inspected.

(e) All vehicles and containers and any attached equipment used for the transportation of hazardous waste must be in sound condition and containers must be designed or maintained to contain hazardous waste.

NOTE: Authority cited: Sections 208, 25150, 25168.1 and 58012, Health and Safety Code. Reference: Sections 25159, 25168, 25169.1, 25185, 25186 and 58012, Health and Safety Code; and Sections 34001 to 34102, Vehicle Code.

**HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

2. Change without regulatory effect amending subsections (a)(1) and (a)(2), repealing subsection (e), relettering subsections, amending newly designated subsection (e) and amending NOTE filed 9-29-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 40).

**§66263.14. [Reserved]**

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code. Reference: Sections 25159, 25168, 25168.3 and 25169.1, Health and Safety Code.

**HISTORY**

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

2. Change without regulatory effect repealing section filed 9-29-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 40).

**§66263.15. Transporter Registration Reporting Requirements.**

(a) A registered hazardous waste transporter shall notify the Department in writing within 30 days of the following occurrences:

(1) the transporter changes majority ownership, name or location;

(2) ownership or control of a vehicle or container certified by the Department is changed;

(3) a truck, trailer, semitrailer, vacuum tank, cargo tank, or container certified by the Department is involved in any spill, or in an accident which renders or may have rendered the vehicle or container in noncompliance with the requirements of this chapter.

(b) A registered hazardous waste transporter shall notify the Department in writing immediately upon notice of loss of the liability coverage specified in section 66263.11. A transporter shall cease to transport hazardous waste upon loss of liability coverage.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code. Reference: Sections 25159, 25163, 25169 and 25186, Health and Safety Code.

#### HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

#### **§66263.16. Hazardous Waste Containers.**

(a) Each truck, trailer, semitrailer, vacuum tank, cargo tank or container used for shipping hazardous waste shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation, there shall be no release of hazardous waste to the environment.

(b) Any truck, trailer, semitrailer, vacuum tank, cargo tank or container used for shipping hazardous waste shall be free from leaks and all discharge openings shall be securely closed during transportation.

NOTE: Authority cited: Sections 208, 25150 and 25168.1, Health and Safety Code. Reference: Sections 25163 and 25168.1, Health and Safety Code.

#### HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

#### **§66263.17. Identification Number for Transporters.**

(a) A transporter shall not transport hazardous wastes without first receiving an Identification Number and a registration certificate from the Department.

(b) A transporter who has not received an Identification Number may obtain one by applying to the USEPA Administrator or to the Department using EPA Form 8700-12 (Rev. 11/85). Upon receiving the request, the Department or the USEPA Administrator will assign an Identification Number to the transporter.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25165 and 25168.1, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25165, Health and Safety Code, 40 CFR Section 263.11.

#### HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

#### **§66263.18. Transfer Facility Exemption.**

A transfer facility, as defined in section 25123.3(a)(3) of the Health and Safety Code, is not subject to the requirements of chapters 14, 15, 18 and 20 regarding a permit for waste storage when, during the normal course of transportation, hazardous wastes are held for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and:

(a) manifested shipments of packaged or containerized hazardous wastes meeting the packaging requirements of section 66262.30 are only transferred from one vehicle to another; and

(b) the packages or containers used in this transfer shall be the same packages or containers used for transporting the hazardous wastes and no additional handling shall take place.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5 and 25168.1, Health and Safety Code. Reference: Sections 25123.3, 25159 and 25159.5, Health and Safety Code, 40 CFR Section 263.12.

#### HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

2. Change without regulatory effect amending first paragraph filed 4-3-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No.14).